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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,265	10/21/2003	Dominik J. Schmidt		4596

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EXAMINER

DOAN, KIET M

ART UNIT PAPER NUMBER

2683

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,265

Applicant(s)

SCHMIDT, DOMINIK J.

Examiner

Kiet Doan

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claims 4, 11 and 15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claims 4, 11 and 15**, the phrase "approximately 2.4 gigahertz" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claim 1-3, 8-10 and 12-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Croome et al. (Pub. No. 2004/0014423).

Consider **claim 1**, Croome teaches a method for securing a wireless communication medium using a Subscriber Identity Module (SIM) card, comprising: determining a SIM card insertion and if so accessing SIM data and transmitting the SIM data to a base station for comparison with a local copy of authorized user data file;

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granting mobile unit access to base station if the information matches and otherwise indicating an access failure (Page 1, Paragraphs [0005-0009], teach SIM card which install in mobile phone and authorization for grant access when pin are matching).

Consider **claims 2-3, 9-10 and 13-14**, Croome teaches the method of claim 1, wherein the medium conforms to an 802.11/Bluetooth specification (Page 1, Paragraphs [0003-0004], Page 5, Paragraph [0034]).

Consider **claims 8 and 12**, Croome teaches a method for data transmission over first and second media that overlaps in frequency, comprising: securing access using a SIM card (Page 8, Paragraph [0075]); selecting one of the first and second media as a common medium; instructing transceivers for the first and second media to communicate only through the common medium (Page 8, Paragraphs [0070-0075], Fig.1A, No.1104 and No.104 Illustrate as first and second media which including transceivers communicate only through the common medium as No.1002).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 4, 11, 15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Croome et al. (Pub. No. 2004/0014423) in view of Melaku et al. (Pub. No.

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2003/0144793).

Consider **claims 4, 11 and 15**, Croome teaches the limitation of claims ad discuss above **but fail to teach** the method of claim 1, wherein the medium is at approximately 2.4 gigahertz.

In an analogous art, Melaku teaches "Wireless personalized self-service network". Further, Melaku teaches the method of claim 1, wherein the medium is at approximately 2.4 gigahertz. (Page 3, Paragraph [0039], Page 4, Paragraph [0045]).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Croome and Melaku system, such that the medium is at approximately 2.4 gigahertz, to provide means for capable of operate in short range or local area communication.

Consider **claim 16**, Melaku teaches the method of claim 12, wherein a packet is initially transmitted at the highest rate supported by both media (Page 3, Paragraphs [0040-0041]).

Consider **claim 17**, Melaku teaches the method of claim 16, further comprising retrying the packet at the next lower rate if the packet is not successfully acknowledged (Page 3, Paragraphs [0039-0041]).

**4. Claims 5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Croome et al. (Pub. No. 2004/0014423) in view of Melaku et al. (Pub. No.

2003/0144793) and further view of Raffel et al. (Patent No. 6,611,692).

Consider **claim 5**, Croome and Melaku teach the limitation of claim as discuss above **but fail to teach** the method of claim 1, further comprising: (a) determining a desired level of service; and (b) dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service.

In an analogous art, Raffel teaches "Cordless cellular system", Further, Raffel teaches the method of claim 1, further comprising: (a) determining a desired level of service (C6, L59-67, C7, L1-51); and (b) dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service (C9, L61-67, C10, L1-20).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Croome, Melaku and Raffel system, such that determining a desired level of service and number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service, to provide means for the users the slot available during transmission.

Consider **claim 6**, Raffel teaches the method of claim 5, wherein the dynamic adjusting comprises: determining available time-slot resources; detecting the medium that fails to meet said desired level of service; allocating the medium to a configuration having a additional time slots (C9, L1-24), transmitting an additional channel assignment message including information on the allocated configuration with the

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additional time slots (C10, L21-63).

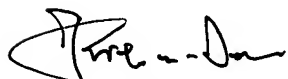
Consider **claim 7**, Raffel teaches the method of claim 5, further comprising instructing transceivers to communicate only in their newly allocated time-slots (C9, L1-18).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
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